SUPREME COURT OF THE UNITED STATES.

No. 232.

BENJAMIN D. GODFREY, PLAINTIFF IN ERROR,

vs.

CHARLES T. EAMES.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF MASSACHUSETTS.

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1 UNITED STATES, *ss:*

The President of the United States to the judges of the circuit court holden in and for the district of Massachusetts, greeting:

Because that in the record and process, and also in the rendering of judgment, in a suit before you, or some of you, between Benjamin D. Godfrey, of Milford, in said district, manufacturer, plaintiff, and Charles T. Eames, of said Milford, manufacturer, defendant, in a plea of the case, a manifest error has intervened, to the great damage of the said Benjamin D. Godfrey, as in his complaint has been stated; and as it is just and proper that the error, if any there be, should be corrected in due manner and that full and speedy justice should be done to the parties aforesaid in this behalf, you are hereby commanded that if judgment thereof be given then under your seal you do distinctly and openly send the record and process in the suit aforesaid, with all things concerning them, and this writ, so that you have the same before the chief justice and the associate justices of the Supreme Court of the United States on the first Monday of December current, at Washington, being the present seat of the national government, that the record and process aforesaid being inspected, they may cause to be done thereupon what of right ought to be done.

Witness the Honorable James M. Wayne, esquire, associate justice of the said Supreme Court, at Washington aforesaid, this first day of December, in the year of our Lord one thousand eight hundred and sixty-four, and of the independence of the United States the eighty-ninth.

N. J. CLIFFORD, *Clerk.*

Allowed by—

NATHAN CLIFFORD,
Associate Jus. Sup. Court of the U. S.

2 CIRCUIT COURT OF THE UNITED STATES, *Massachusetts District, ss:*

And now here the judges of the circuit court of the United States in and for the said district make return of this writ by annexing hereto and sending herewith, under the seal of the said circuit court, a true and attested copy of the record and process in the suit within mentioned, and of all proceedings therein.

In testimony whereof, I, N. J. Clifford, clerk of said circuit court of the United States within and for the district of Massachusetts, have hereto set my hand and the seal of said court this first day of December, A. D. 1864.

[SEAL.] N. J. CLIFFORD, *Clerk.*

3 UNITED STATES OF AMERICA, *Massachusetts District, ss:*

At a circuit court of the United States for the first circuit, began and holden at Boston, within and for the district of Massachusetts, on Saturday, the fifteenth day of October, in the year of our Lord one thousand eight hundred and sixty-four, before the Honorable Nathan Clifford, associate justice, and the Honorable Peleg Sprague, district judge.

BENJAMIN D. GODFREY, OF MILFORD, IN OUR DISTRICT OF Massachusetts, manufacturer, plaintiff,
vs.
CHARLES T. EAMES, OF SAID MILFORD, MANUFACTURER, defendant.

In a plea of the case, for that before the twenty-fourth day of October, A. D. 1848, Jarvis Howe, then of Worcester, in the district of Massachusetts, and a citizen of the United States, being the first and original inventor

4 of a certain new and useful improvement in boot-trees, which had not been in public use nor on sale with his consent or allowance more than two years, did make application in due form of law to the government of the United States for its letters patent for such improvement, upon which application such proceedings were had that on the said 24th day of October, A. D. 1848, letters patent of the United States, dated the said 24th day of October, sealed with the seal of the Patent Office, signed by the Secretary of State and countersigned by the Commissioner of Patents, were issued and delivered to the said Howe for the said invention, entitled therein an improvement in boot-trees, whereby there was granted to the said Howe, his heirs, administrators, or assigns, for the term of fourteen years from said 24th day of October, the full and exclusive right and liberty of making, constructing, using, and vending to others to be used the said improvement, as in and by said letters patent now in court produced will more fully appear.

And afterwards, and before the infringement hereinafter complained of, to wit, on the 16th day of July, A. D. 1849, by his deed of that date, the said Howe assigned, sold, and set over to one Cyrus Bliss all his right,
5 title, and interest in and to the said invention as secured by said letters patent for and in certain territory in said deed of assignment mentioned, which said deed of assignment was duly recorded in the United States Patent Office.

And afterwards, and before the infringement hereinafter complained of, to wit, on the 10th day of June, A. D. 1850, the said Howe, by his deed of that date assigned, sold, and set over unto the said Cyrus Bliss all the right, title, and interest which he had in the said invention and letters patent for and in the United States, which deed of assignment was also duly recorded in the United States Patent Office; and said Cyrus Bliss afterwards, and before the infringement hereinafter complained of, to wit, on the 23d day of August, in the year 1854, by his deed of that date, assigned, sold, and set over unto one Alonzo C. Bliss all the right, title, and interest which he had in the said invention and letters patent for and in the United States; who afterwards, and before the infringement hereinafter complained of, to wit, on the 22d day of August, in the year 1855, by his deed of that date, gave, granted, sold, assigned, transferred, and set over to the plaintiff all the right, title, and interest which he had in the said invention and letters patent, both
6 which last-mentioned deeds of assignment were also duly recorded in the United States Patent Office; all which by the said several grants or assignments, and the several certificates of the Commissioner of Patents of the receiving and recording thereof thereon endorsed, now produced in court, will more fully appear. And immediately upon receiving the said letters patent the said Howe put the said improvement into use, and did then manufacture and sell, and he and the said Cyrus and Alonzo C. Bliss, and the plaintiff, since the grants and assignments to them respectively as aforesaid, and during their respective ownership of the said letters patent, have always manufactured and sold the said improvement and boot-trees embracing the principle thereof in large numbers, and have always, as aforesaid, with the exception of the infringement hereinafter mentioned, had exclusive possession and enjoyment thereof, and the said exclusive right and liberty are of great value to the plaintiff; yet the defendant, well knowing the premises, but contriving and wrongfully intending to injure the plaintiff and to deprive him of the profits, benefits, and advantages which he might and otherwise would have derived from the manufacture and sale of the
7 said improved boot-trees, after the issuing of the said letters patent and the assignments aforesaid, to wit, on the 25th day of August, A. D. 1855, and on divers other days between that day and the purchase of this

writ, at Milford, in the district of Massachusetts, and at divers other places within the United States, to wit, at Boston, in said district, wrongfully and unjustly, and without the leave or license and against the will of the plaintiff, did manufacture and sell divers, to wit, five hundred boot-trees, embracing in their construction and mode of operation the invention secured to and vested in the plaintiff by virtue of the said letters patent and assignments thereof, in breach of the said letters patent and the privileges of the plaintiff thereunder as aforesaid, to the damage of the said Godfrey, as he says, the sum of ten thousand dollars.

At the October term, A. D. 1860, of this court the following pleas and notice of defence were filed, viz:

Plea and notice of special matter of defence.

And now the defendant comes, &c., when, &c., and for plea says he is not guilty in manner and form as the plaintiff hath declared against him. And of this he puts himself on the country.

By F. A. BROOKS, *his Attorney.*

8 The defendant in the above cause hereby notifies the plaintiff of the following special matters to be given in evidence by him in defence of said suit in addition to what he may be availed of under the plea of the general issue, viz: that the said Jarvis Howe in the plaintiff's declaration mentioned was not the original and first inventor of the improvement in boot-trees described in said letters patent, or of material parts thereof claimed as new, but that the same was known to the persons below named and used at the several places below named before the trees of said Howe's supposed invention thereof, namely:

Persons and places.—J. L. Manning, of Goffstown, N. H.; Wean & Dover, N. H.; John Wilkinson, of Gilmanton, N. H ; Guilford, N. H.; Joseph Perkins, deceased, Dover, N. H.; Sherman S. Briggs, of Dunbarton, N. H.; ditto, N. H.; S. A. W. Parker, of Stoughton, Mass., at Stoughton and Boston; Charles T. Eames, of Milford, Milford; W. C. Child, of Medford, Boston.

F. A. BROOKS, *Defendant's Attorney.*

And the plaintiff doth the like, by his attorneys,

BROWNE & MAYNADIER.

9 The writ in this case bears date the twenty-eighth day of September, A. D. 1860, and was duly entered at the October term, A. D. 1860. The case was thence continued to the May term, A. D. 1861, when a judgment was rendered on a verdict returned therein, and exceptions were taken and allowed; and thereupon a writ of error was issued, returnable before the chief justice and associate justices of the Supreme Court of the United States, at Wasnington, on the first Monday of December then next.

Afterwards, to wit, at the October term of this court, A. D. 1863, a mandate of said Supreme Court of the United States was presented and filed, whereby it appeared, among other things, that the said judgment was reversed, and this cause was remanded by said Supreme Court to this circuit court with directions to award a venire facias de novo; and thereupon it is ordered by the court here that this case be brought forward and the judgment rendered therein at the May term, A. D. 1861, be set aside and annulled, that the said defendant, Charles T. Eames, recover of the said Benjamin D. Godfrey his costs expended in said Supreme Court, taxed at sixty-one dollars and forty-six cents, and that a venire facias de novo be awarded. The case was thence continued from term to term to this present October term, A. D. 1864; and now issue having been joined as aforesaid, it is committed

to a jury sworn according to law to try the same, who, after hearing
10 all matters and things concerning the same, return their verdict therein as follows: The jury find that the defendant is not guilty in manner and form as the plaintiff hath declared against him.

EDW. CARROLL, *Foreman.*

Thereupon it is considered and ordered by the court that the said Charles T. Eames, defendant, do recover of the said Benjamin D. Godfrey his costs of suit, taxed at one hundred and twenty-eight dollars and one cent, to wit, Dec. 1st. Upon the trial of said cause, after the evidence was closed on both sides, and before the issue was submitted to the jury, the said Benjamin D. Godfrey filed his bill of exceptions, which being found conformable to the truth, was allowed under the hand and seal of the presiding justice, and is in the words and figures following, to wit:

Be it remembered, that the plaintiff, to sustain his action, introduced letters patent granted to Jarvis Howe, dated October the 24th, 1848, (a copy of which is hereto annexed, and marked A,) with a stipulation of defendant, (a copy of which is hereto annexed, marked B,) that the title to said patent was in the plaintiff during the time covered by the writ, and also
11 that the defendant had during that time made and sold one hundred machines constructed according to letters patent issued to the defendant, dated May 27th, 1856, and reissued March 25th, 1862, and in evidence in said case.

Defendant offered evidence tending to show that at and before the time of invention by Howe of the patented machine in suit, a machine existed in many respects similar to such patented machine, both in construction and operation, and that the machine described in the patent of said Howe was not wholly and entirely invented by him, and that said Howe could be deemed the original and first inventor of said machine only so far as their arrangement or combination together differed from those contained in said prior existing machines, known as the Parker machines.

The second claim in said Howe's patent was disclaimed before trial.

The plaintiff requested the court to instruct the jury as follows:

1st. That if the defendant's treeing machines contain a frame-bearing turning-journal swivel boot-tree and distending mechanism, each of which is substantially the same in its construction and mode of operation as the part shewn in the plaintiff's patent for the same purpose, and which
12 are contrived so as to operate together in the same manner substantially as in the plaintiff's patent, then the jury may find for the plaintiff, although the distending mechanism employed by the defendant differ in some of the details of its construction and operation from the distending mechanism shewn in the plaintiff's patent.

2d. That the plaintiff's patent covers a combination of mechanism, consisting of a boot-tree mounted by means of a journal in a bearing on a frame, and distended to stretch the boot by means of a treadle working through a bent lever to move a pitman-rod lengthwise of and within the boot-tree, said pitman-rod being operated through a swivel connection which holds the boot-tree distended while it permits it to be freely revolved, and being at its lower end so connected by a proper lever or levers with the joint and back of the tree that the lengthwise movement of the rod shall produce a lateral movement of the front and back of the boot relatively to each other, and that if they find devices used in combination for this purpose by the defendant which performs the same operation in substan-
13 tially the same way, such devices are to be taken as equivalents for those shown in the plaintiff's patent, and the jury may find an infringement.

3d. That in determining whether the distending mechanism of the defendant is substantially similar to or substantially different from that shown in the plaintiff's patent, the jury are to consider the tree not alone as regards their construction and operation taken by themselves as independent pieces of machinery and apart from their work in the whole combination, but they are to consider the purpose of the whole combination, and what is the novelty of construction and mode of operation which distinguishes the plaintiff's distending mechanism from any appearing to have been used for distending boot-trees before his invention, and if they find that, having regard to the purpose of the machine, the work to be done, and the general plan or mode of operation of the mechanism shown in the Howe patent, the distending mechanism of the defendant does not differ substantially in construction, mode of operation, or manner of combination with the other parts, from the plaintiff's distending mechanism, then they may find for the plaintiff; if they find that the defendant has so combined such his distending mechanism with a boot-tree journal-bearing swivel and frame, which are so con-
14 structed, operated, and combined together substantially as shown in the plaintiffs patent.

4th. That if the jury find that the defendant's mechanism operates in substantially the same manner as the plaintiff's for the purpose of distending the tree, and is substantially the same in construction and mode of operation so far as performing that office of distending the tree is concerned, and is combined with the other parts in substantially the same manner as the plaintiff's, then they must find that the defendant's machine is an infringement of the plaintiff's patent, and that it is immaterial what other office, if any, the defendant's mechanism performs.

But the court refused to do so, and instructed the jury as follows:

Upon the question whether such machines, made and sold by defendant, were infringements of said Jarvis Howe's patent, the presiding judge, having first explained to the jury the different classes of patented inventions with respect to novelty and the nature and character of the patented invention here in suit, gave to the jury the following instructions: That an original inventor of a machine or device has a right to treat as infringers all who make a machine or device operating on the same principle and performing
15 the same functions by analogous means or equivalent combinations, even though the infringing machine may be an improvement of the original, and patentable as such. But if the invention claimed be itself but an improvement on a known machine by a mere change of form or combination of parts, the patentee cannot treat another as an infringer who has improved the original machine by use of a substantially different form or combination performing the same functions. The inventor of the first improvement in the case last above put cannot invoke the doctrine of equivalents to suppress all other improvements which are substantially different and not mere colorable invasions of the first invention; that whether the defendant's combination was substantially the same as the plaintiff's or substantially different was to be determined by the jury, and that in deciding this question the jury should look to the machines, or their several devices or elements, in the light of what they do, or what functions or office they perform, and how they perform it, and find one to be substantially the same as the other if it perform substantially the same function or office in substantially the same way to obtain the same result; that if two machines do the same
16 work in substantially the same way, and accomplish substantially the same result, they are the same; and so, if parts of the two machines do the same work in substantially the same way and accomplish substantially the same result, those parts are the same though they may differ in some form or shape; but in both cases, if the two things perform differ-

ent work, or in any way substantially different, or do not accomplish substantially the same result, then they are substantially different. And in this connection the jury were told that they might compare the several parts of the two machines constituting their distending mechanism respectively, for the purpose of determining whether or not in that respect the defendant's machine was substantially like the plaintiffs or a colorable invasion of the same. And to these rulings and refusals the plaintiff, before the case is submitted to the jury, respectfully excepts, and prays that his exceptions may be allowed and made part of the record thereof; and the foregoing exceptions being severally found conformable to the truth, are hereby allowed under my hand and seal.

[L. S.] NATHAN CLIFFORD,
Associate Jus. Sup. Court of the U S.

A.

17 The United States Patent Office to all persons to whom these presents shall come, greeting:

This is to certify that the annexed is a true copy from the records of this office of letters patent issued to Jarvis Howe, dated October 24th, 1848.

In testimony whereof, I, D. P. Holloway, Commissioner of Patents, have caused the seal of the Patent Office to be hereunto affixed this 12th day of April, in the year of our Lord one thousand eight hundred and sixty-one, and of the independence of the United States the eighty-fifth.

[SEAL.] D. P. HOLLOWAY, *Commissioner.*

No. 5,876.

The United States of America to all to whom these letters patent shall come:

Whereas Jarvis Howe, of Worcester, Massachusetts, has alleged that he has invented a new and useful improvement in boot-trees, which he states has not been known or used before his application; has made oath that he is a citizen of the United States, that he does verily believe that he is the original and first inventor or discoverer of the said improvement, and that the same hath not, to the best of his knowledge and belief, been previously known or used; has paid into the treasury of the United States the
18 sum of thirty dollars, and presented a petition to the Commissioner of Patents, signifying a desire of obtaining an exclusive property in the said improvement, and praying that a patent may be granted for that purpose: These are therefore to grant, according to law, to said Jarvis Howe, his heirs, administrators, or assigns, for the term of fourteen years from the twenty-fourth day of October, one thousand eight hundred and forty-eight, the full and exclusive right and liberty of making, constructing, using, and vending to others to be used, the said improvement, a description whereof is given in the words of the said Jarvis Howe in the schedule hereunto annexed, and is made part of these presents.

In testimony whereof, I have caused these letters to be made patent, and the seal of the Patent Office has been hereunto .

Given under my hand, at the city of Washington, this twenty-fourth day of October, in the year of our Lord one thousand eight hundred and forty-eight, and of the independence of the United States of America the seventy-third.

JAMES BUCHANAN, *Secretary of State.*

Countersigned and sealed with the seal of the Patent Office.

[SEAL.] EDMUND BURKE, *Commissioner of Patents.*

The schedule referred to in these letters patent and making part of the same.

To all persons to whom these presents shall come:

Be it known that I, Jarvis Howe, of Worcester, in the county of Worcester and State of Massachusetts, have invented a new and useful improvement in machinery for treeing boots, and I do hereby declare that the same is fully described and represented in the following specification and accompanying drawings, letters, figures, and references thereof. Of the said drawings, Figure 1 denotes an external or side elevation of my improved boot tree and stand; Figure 2 is a central vertical and longitudinal section of it; Figure 3 is a tranverse section of the boot-tree, and Figure 4 is an end view of the same and its stand A in said drawings exhibits a stand or table, and B the boot tree extended from it. The foot part a of the said boot-tree is applied to the part b of the leg in the usual manner, that is to say, it is constructed in a separate piece, and has a dovetailed tenon d, (see Figure 2,) which is made to fit and slide into a corresponding groove formed in the part b. In this respect the construction of the boot-tree does not dif-
20 fer from others in use The leg of the boot-tree is composed of two parts, b and c, arranged together as seen in the drawings and having two metallic side plates, e f, attached to the lower one or one of them, and made to extend over the other and the space or joint between them. The part b of the leg has a cylindrical head or journal, g, applied to it, the same being inserted and made to revolve in a bearing in the side frame A and kept in position by a projection, h, from the frame, being made to enter a circular groove, i, turned or made in or around the outer surface of the journal. All parts of the said boot-tree are intended to be made of metal, and of such strength as circumstances may require. The leg or portions b c thereof are made hollow, so as to be capable of receiving the mechanism or a part thereof by which the two portions are pressed asunder and drawn together as occasion may require. This mechanism consists of two toggles or progressive lever, k l, and a pitman-rod, m. The two toggles are respectively jointed to the two parts b c, and are also jointed together and to one end of the rod or pitman m, and are arranged as seen in Figure 2. The rod m is cylindrical and extends through the journal n, and has a swivel, o, ap-

[Here follows map page 20.]

21 plied to it, the said swivel being joined to a bent lever, p, which is disposed as seen in Figures 1 and 2, and turns on a fulcrum at g. The lower arm of the said bent lever is connected to a treaddle, r, by a rod, s, suitably jointed to both. A counter-spring, s, is applied to the lever p and frame A as seen in the drawings, its object being to lift the lever and treddle so as to permit the spring or springs which draw the parts b c of the boot leg together to operate when necessary. There may be any suitable number of said springs. They are to be applied within the interior of the boot leg and attached to its parts b c so as to draw them together when the toggles are suffered to fall back. u in Figure 2 denotes the same. The treddle r has a projection, v, which engages with a toothed rack, w, applied to the frame A, the same being for the purpose of holding the treddle down. When a boot is to be treed the foot part, a, is first inserted in the foot of the boot. Next the leg of the boot is pushed on the leg of the tree and so as to connect the foot and leg of the tree together. This being effected the attendant presses his foot upon the treddle v, and depresses it, and by so doing operates the toggles so as to press the lever
22 part, a, of the boot-tree away from the fixed part, b, to the extent required to completely fill the leg of the boot. The boot being thus confined on the tree, the workman can turn the whole about or revole the tree to the extent and in the manner as circumstances may require.

Boot-trees as heretofore made have had a long wedge or third part adapted to them to extend the front and back parts of the leg asunder. They have never to my knowledge been applied to a stand so as to be supported by it and be under the control of the workman in the manner hereinbefore described. What I claim as my invention is the combination of the swivel and turning journal and its bearing with the frame boot-tree and mechanism for distending the parts of the leg substantially as set forth. I also claim the peculiar arrangement of the boot-tree upon its supporting stand, the same being represented in the drawings.

In testimony whereof, I have hereto set my signature this second day of October, A. D. 1847.

JARVIS HOWE.

Witnesses: R. H. EDDY.
FRANCIS B. CROWELL.

B.

23 U. S. circuit court of dist. of Mass., May term, 1864.

BENJ. D. GODFREY
vs.
CHARLES T. EAMES.

For the purposes of the trial in this case the defendant admits that he has manufactured and sold one hundred (100) boot treeing machines, like those described in his patent, dated May 27, 1856, and reissued March 5, 1862, and that he has received for each of such boot treeing machines forty dollars, ($40,) and that the cost of making the same was twenty dollars ($20) each, meaning by cost the expense for labor and materials He also admits the execution of the instrument under which the plaintiff claims title as assignee of the letters patent declared on.

F. A. BROOKS, *Att'y for Def't.*

UNITED STATES OF AMERICA, *Massachusetts District, ss:*

I, N. J. Clifford, clerk of the circuit court of the United States for the first circuit, Massachusetts district, do hereby certify that the foregoing is a true copy of the record and of all proceedings in the cause of Benjamin D. Godfrey *vs.* Charles T. Eames in this court determined.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of said court, at Boston, in said district, this first day of December, A. D. 1864, and of the independence of the United States the eighty-ninth.

[SEAL.] N. J. CLIFFORD, *Clerk.*

24 Circuit court of the United States, district of Massachusetts.

BENJAMIN D. GODFREY
vs.
CHARLES T. EAMES.

Know all men by these presents that we, Benjamin D. Godfrey, of Milford, in said district, as principal, and C. F. Claflin and S. W. Brooks as sureties, are holden and stand firmly bound and obliged unto Charles T. Eames, of said Milford, in the full and just sum of five hundred dollars, to be paid unto the said Eames, his executors, administrators, or assigns, to which payment, well and truly to be made, we bind ourselves and each of us, jointly and severally, and our and each of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals, dated the first day of December, in the year of our Lord one thousand eight hundred and sixty-four.

The condition of this obligation is such that whereas lately at a circuit court of the United States, holden at Boston, within and for the district of Massachusetts, on the fifteenth day of October last, in a suit depending in said court, between the said Benjamin D. Godfrey as plaintiff and the said Charles T. Eames as defendant, judgment was rendered against the said Godfrey, and the said Godfrey has obtained a writ of error, and filed a copy thereof in the clerk's office of the said court, to reverse the judgment in the aforesaid suit, and a citation, directed to the said Eames, citing and admonishing him to be and appear at a Supreme Court of the United States, to be holden at Washington, on the first Monday of December, A. D. 1864:

Now if the said Godfrey shall prosecute the said writ of error to effect, and answer all damages and costs if he fail to make good his said plea, then this obligation shall be null and void; otherwise, shall remain in full force and virtue.

BENJAMIN D. GODFREY, [L. S.]
By JARVIS HOWE.
C. F. CLAFLIN. [L. S.]
L. W. BROOKS. [L. S.]

Sealed and delivered in presence of—
LEWIS G. BARNARD.
FREDERICK SMITH.
ALEXANDER WRIGHT.

Approved by N. J. Clifford, clerk, by order of court.
N. J. CLIFFORD, *Clerk.*

A true copy. Att.: N. J. CLIFFORD, *Clerk.*

25 CIRCUIT COURT OF UNITED STATES, *District of Massachusetts, ss:*

United States of America to Charles T. Eames, of Milford, in said district, manufacturer, greeting:

You are hereby cited and admonished to be and appear before the chief justice and associate justices of the Supreme Court of the United States, on the first Monday of December current, A. D. 1864, at Washington, the present seat of the national government of the United States, then and there to answer to a writ of error this day sued out of the clerk's office of the circuit court of the United States for the first circuit and district of Massachusetts, wherein Benjamin D. Godfrey, of Milford, in said district, manufacturer, is plaintiff in error and you are defendant, to show cause, if any there be, why the judgment in the said writ of error mentioned should not be corrected and speedy justice done to the parties in that behalf.

Witness the Honorable James M. Wayne, associate justice of the Supreme Court of the United States, this first day of December, A. D. eighteen hundred and sixty-four.

NATHAN CLIFFORD,
Associate Justice, Sup. C't U. S.

I admit legal and proper service of the within citation this first day of Dec., upon the defendant in error within named.

C. T. EAMES,
By F. A. BROOKS, *his Att'y.*

Filed December 22, 1864.

REC. 232—2